IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 5007 OF 2007.
IN
FIRST APPEAL NO.2333 OF 2007.

Shahenshah Iqbal Hussain. ... Applicant.
Versus.
M/s.Oswal Builders & another. ... Respondents.

Shri Y.S.Bhate for the Applicant.

Shri B.Saraf i/by M/s.Kishore Thakordas & Co.for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 28th November, 2007.

P.C.:

1. Heard the Advocates appearing for the parties. Considering the facts and circumstances of the case, interim order which was operating till disposal of the suit deserves to be continued with modification that from the date of disposal of the suit, the Applicant will have to pay maintenance and other charges payable in respect of flat No.301 to the Cooperative Housing Society. The arrears till 30th November 2007 will be paid over to the society within a period of three months from today and charges from December 2007 onwards will be paid regularly immediately after receipt of the bill from the society.

2. Hence the Civil Application is disposed of by passing the following order:

i) Interim relief which was operating in favour of the Applicant till disposal of the suit will continue to operate as interim order in this Appeal subject to further direction that the Applicant shall pay the maintenance and other charges payable in respect of flat No.301 to the Cooperative Housing Society from 1st August 2007 onwards. The arrears upto 30th November 2007 shall be paid to the society within a period of three months from today.

ii) The Applicant will continue to pay the maintenance charges and other charges payable to the society in respect of the suit flat from December 2007 onwards regularly and punctually within a period of 7 days from the receipt of the bill of the society.

iii) In case the Applicant commits any breach, liberty to the Respondents to apply for vacating the interim relief.

iv) The parties to act on an authenticated copy of this order.

Judge.